

Application No.: 10/068,678

Amendment dated: November 11, 2003

Reply to Office Action of: May 12, 2003

### REMARKS/ARGUMENTS

The examiner has acknowledged that claims 2 and 4 are directed to allowable subject matter if rewritten to overcome the objection due to being dependent upon a rejected claim.

Claims 2 have been rewritten in independent form and amended to include all of the limitation of the base claim and any intervening claims. Claim 4 have been amended to conform to the amended claim 2.

Claims 1 and 5 have been amended to correct minor formality errors.

Tsao (US Patent No. 5,702,035) discloses a tubular container with a sealed end and an open end with an applicator. A liquid is disposed in the tubular container with a non-toxic liquid silicone stopper separating the liquid from an air gap near the open end wherein when the sealed end is broken, the liquid will flow out of the open end into the applicator.

Applicant's invention has a housing with two sealed ends and a scoring at one or more predetermined locations with a seal comprising of a viscous substance inserted in the housing separating the liquid enclosed within it from the air thereby creating an air chamber near the sealed end wherein the flow control/shock absorbing seal will maintain the separation between the liquid and the air in the housing and transmit the shock experienced by the liquid during transportation to the air thereby dampening the pressure, and will control the flow of the liquid through the flow control/shock absorbing seal and out the container when the container is opened at the scoring.

Tsao discloses a liquid silicone stopper separating the liquid from an air gap near the open end of the tubular container wherein applicant's invention uses a viscous substance to separate the liquid from the sealed air chamber near the sealed end of the housing. Tsao does not

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teach the limitations of the applicant's invention and the there is no suggestion for the limitation.

Furthermore, in applicant's claims 3 and 5, the housing has either a positive or negative pressure to perform unique functions that are not taught or suggested in Tsao. In addition, claim 5 discloses a device that will retrieve a liquid which is not even possible with Tsao. Tsao does not teach or suggest the limitations and functions of applicant's invention. Therefore, applicant's claims are patentable over Tsao since they are not taught or suggested by Tsao and are not obvious in view of Tsao.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

  
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